

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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| UNITED STATES OF AMERICA |) | |
| |) | |
| v. |) | Crim. No. 20mj6383-MPK |
| |) | |
| KELVIN BARROS |) | |

REPLY TO KELVIN BARROS' SUPPLEMENTAL PROFFER RE DETENTION

The government hereby submits the following reply to Defendant Kelvin Barros' Supplemental Proffer [Document No. 81]. As set forth below, there are significant questions as to the veracity of affidavits filed on Barros' behalf by various individuals, including his "manager" Christopher Mann, as well as questions as to the veracity of the letter filed by Barros. The government submits that the actions taken by Barros and his associates (including the possibility that they have filed misleading affidavits with the Court) only further support detention.

I. The "RICO" Video – Obstruction of Justice/Witness Intimidation

Seeking to avoid the ramifications of the "RICO" rap video in which Barros obstructed justice and sought to intimidate witnesses, Barros contends that he had no involvement in any illegal conduct regarding the video's release, and argues "this song was created almost a month before [his] arrest and was uploaded for public consumption well after his arrest and totally without his knowledge." *See Defendant's Supplemental Proffer* at p. 3. In support of these factual claims, Defendant filed three sworn affidavits and a letter authored by Defendant. *Id.* at Exhibits C-E; J. Defendant claims that the "RICO" song was actually recorded on May 30, 2020, well before the arrests of the 'NOB' defendants in this case." *Id.* at 2. He further claims

that the *only* change to the video was the addition of the news footage at the beginning of the video. *Id.* at 2-3. Lastly, he argues that he had no knowledge that the video would be released and that its release was due solely to his “manager” Christopher Mann. *Id.* at 3.

Defendant’s factual claims have significant issues which will be detailed below. Given the issues in the factual claims and other evidence as set forth below, it appears that Defendant and his associates, including Christopher Mann, have engaged in obstruction of justice by submitting misleading affidavits and seeking to obtain misleading affidavits. The government does not contend that legal counsel for Defendant has played any role in these misleading statements or actions.

Defendant contends that he recorded the entire rap “almost a month before his arrest.” The government would first note that, as is clear from the video itself, the “*RICO*” video is split into two parts. The first part of the video runs through approximately 2:02 minutes before the screen goes blank for a brief period and then there is a shorter section of the video which includes the ending verse with the threats to witnesses:

Ending verse:

Get the pack from the plug
Got it flippin’, movin’ fast
If them coppers get behind you, they might kill you, do the dash
And it’s crazy if they catch you with that shit then it’s your ass
But what you know about selling fentanyl, ten to one bro, do the math

I ain’t worried about no beef
Cuz they know the time we [are] on
Spin their block and bust a U-ie, then I tell bro, “reload”
I’m worried about the feds, cuz they’re hittin’ us with the RICO
I’m worried about them n***as that ain’t gonna stick to the G Code

The second, shorter section of the video establishes that Barros is aware that he has been charged with federal RICO charges (*“I’m worried about the feds, cuz they’re hittin’ us with the*

RICO”), and that he is concerned that individuals will talk (people “*ain’t gonna stick to the G Code*.”). There is no dispute that the federal RICO charges were not publicly disclosed until June 16, 2020, the date of the initial arrests in this case. Defendant has represented that he did not learn about the RICO case *until* the date of the arrests. The lyrics of the ending verse (which state that Defendant was “hit[] with the RICO”) could not have been recorded before June 16, 2020 – the earliest date that Barros could have been made aware of the charges. Thus, contrary to all three sworn affidavits, the full “*RICO*” recording and video could not have been finished in May 2020 because no one involved with Barros knew about the federal RICO case against him and his associates at that time. The first part of the recording and video (the part without the witness threats) may have been finished in May 2020, but the second part with the reference to the federal RICO charges and the “G Code” could not have been.

On July 3, 2020, the following recorded jail call occurred between Christopher Mann and NOB member Delven Carvalho-Centeio. During this call, Mann informed Carvalho-Centeio that he was instructing a NOB associate to execute an affidavit to aid Kelvin Barros in his federal detention proceedings and get Barros released. In the call, Mann tells Carvalho-Centeio that a drug dealer within the NOB drug network is expected to execute an affidavit in which he claims ownership of drugs recovered in a February 2020 drug arrest in New Jersey. In the New Jersey incident, Barros and three other NOB associates were arrested after controlled substances (marijuana and promethazine and codeine medication) were recovered from their vehicle. The following is a draft transcript of the recorded call:

MANN: Your man ... your man OTF [referring to the NOB associate] supposed to write an affidavit.

CARVALHO: He’s sayin’ he ain’t gonna do it. I talked to him.

MANN: Yeah. He hasn't answered my calls in the last day and a half though, ever since that sh*t.

CARVALHO: What was the affidavit for?

MANN: Just claim everything in that case, because they're trying to smoke Kal [Kelvin Barros' street name] for it.

CARVALHO: What, the New Jersey sh*t?

MANN: Yeah ... the little weed.

CARVALHO: [unintelligible response]

MANN: Yeah ... that's why ... *Kal ain't get released from bail because they want to look into that case, and they want to see the new music video he dropped.*

CARVALHO: Oh wow.

MANN: *So he [the NOB associate] gotta ... so he gotta go claim that sh*t [the drugs seized in New Jersey], and then I'll say I dropped the music video.*

CARVALHO: Oh wow.

MANN: Bro, you know if he don't do that bro he's really out of gas right? Like n***as is not ... like n***as is not gonna f**k with him bro ... at all. Ever.

CARVALHO: Yeah, I'm already hip.

MANN: On dead dogs n***a ... you know that n***a ... he was on the phone like ... he was on the phone like um ... on the phone like ... "I don't even ... I don't even think I have a lawyer for that ... I don't even know" But like bro, shut up kid.

CARVALHO: [He's] trying to make excuses.

MANN: Yeah ... like yo bro ... like ... like n***as [would] understand if it was any other time, like the situation before that's why n***as didn't really press it ... cuz you feel me, we understood why he didn't wanna go do that ... but like now bro, it's like you really don't got a choice ... because n***as ain't about to make the b***h [there was a female in the vehicle in

New Jersey] go do it ... CJ [the other male in the vehicle] can't do it.

CARVALHO: CJ would get deported.

MANN: Yeah you feel me? So it's like yo bro ... and you gotta think about it like this bro, I think he'll get hit with probation or some weak sh*t bro ... and regardless whatever it is n***a, he gotta charge that sh*t to what he does n***a.

Mann emphasizes to Carvalho-Centeio that if the individual does not submit the affidavit that he will be “out of gas.” This term may reference being cut-off by the NOB gang, but “out of gas” is also a term used by NOB member Michael Brandao to refer to committing an act of violence against another individual. Thus, in this call, Mann is seeking to intimidate/coerce the NOB associate into filing a false affidavit in order to aid Barros in being released from custody.

Moreover, Mann also tells Carvalho-Centeio that an issue faced by Barros for his federal detention is the “*RICO*” rap video in which Barros seeks to obstruct justice and intimidate witnesses to his federal case (“Kal ain’t get released from bail because they want to look into that case, and they want to see the new music video he dropped.”). Mann makes clear that the video was released per Barros – “the new music *he dropped*.” Mann then tells Carvalho-Centeio that Mann will claim through a sworn affidavit that he, not Barros, released the music in order to help Barros get released on bail (“*then I’ll say I dropped the music video*”). In his affidavit (Exhibit E), Mann did just that: “I never consulted with Mr. Barros or requested his permission to post his music to social media. He was in custody at the time I uploaded it and he had no knowledge of the same.”

On July 4, 2020, Mann and Delven Carvalho-Centeio were again recorded in a jail call discussing obtaining an affidavit from the NOB associate in which the associate would claim that the drugs seized in New Jersey belonged to him and not Kelvin Barros. Mann further made

statements consistent with the NOB associate being the subject of retaliation because he would not agree to file the affidavit. The following is a draft transcript of the July 4th call:

MANN: Have you spoken to OTF [the NOB associate]?

CARVALHO: The day I got into the fight ... earlier... I believe.

MANN: That's when you did?

CARVALHO: Huh?

MANN: That's when you did?

CARVALHO: Yeah.

MANN: N***a you better f**kin ... that n***a ... *better get what you can out of that n***a while you can.*

CARVALHO: Why, he's out of gas?

MANN: Huh?

CARVALHO: Why?

MANN: Yeah ... he's tryin' ... *I don't know if he's gonna do that sh*t ... I'm just sayin' n***a ... you might as well get what you can out that n***a while you can* [laughter].

CARVALHO: Kal ain't f**kin' with him, huh?

MANN: *N***a if he don't do that sh ... if he don't do that sh*t bro.* He's on some weirdo sh*t bro though if you think about it ... cuz like ... Delly ... it's different ... if you sit there and say you're not gonna do it ... you feel me? Like...

CARVALHO: Yeah.

MANN: Like at least with you n***a ... at least with you n***a you'll sit there and be "like no n***a that's not what ... that's not what's happening ... I know how you feel but I'm not doing it Kal." You're not gonna sit there and be like "Yeah bro, I got you bro," and then just not answer the phone bro.

CARVALHO: Oh yeah ... he's on some weirdo sh*t.

MANN: Like you feel me? At least you'd sit there and be like "Yo bro no bullsh*t ... I'm not doin it."

CARVALHO: Oh man ...

MANN: You feel me? I hate n***as like that bro...and then like what pissed me off even more ... is like ... that n***a ... that n***a was on the phone with you I think for the first time in a minute right? And then this n***a like put ... I think he put some sh*t on your books or some sh*t ... then this n***a goes "I'll never leave nobody hanging," this and that, like yo bro, you wasn't even throwing down on his bail and you went and got yourself a rollie.

CARVALHO: Duh.

MANN: You feel me? I'm like what type of sucka sh*t is n***as really on?

CARVALHO: Just a sucka my brodda ... f**k him.

MANN: Hell yeah.

CARVALHO: I think they're about to lock us in ... for chow ... and then after ... I'm gonna come out at 7, and call you.

MANN: Aight n***a just ... n***a just call me later cuz I'm gonna be with ... I'm gonna be with [unintelligible].

These recorded jail calls support that Mann, acting as an NOB gang associate, was (1) prepared to file a false affidavit taking the blame for the "*RICO*" video's obvious witness intimidation/obstruction of justice, and (2) was actively seeking to intimidate and coerce other individuals into filing false affidavits to aid Barros. These calls raise serious questions as to the veracity not only of Mann's affidavit filed before this Court but also the other two affidavits. These calls also rebut Defendant's claim that he had no knowledge of the release of the video.

II. “7981” as a Gang-Related Number

Defendant seeks to minimize his gang membership by arguing that the numbers “7981” (which are tattooed on his eye brow and hands) have no gang connotation, but rather are tied to Therese Andrade, whose address is 7981 Barry Street (one of the streets that make up NOB territory). Defendant “suggests that the government’s argument that “7981” is a ‘gang symbol’ is rank speculation and, quite frankly, false.” *Id.* at p. 3. He further states that “[t]here are no other people known to Mr. Barros that have the tattoo or name.” *Id.* This claim is easily refuted.

Ms. Andrade was the mother of Edmund “Duce Banga” Andrade; Mr. Andrade was murdered in or about 2011. Edmund Andrade, who was involved in rapping, started the group “HSM,” which continues with NOB members/associates, including Barros, today. Mr. Andrade used a studio at 79-81 Barry Street to create rap music. Following his death, NOB members/associates began using “7981” within the gang to show respect for Mr. Andrade. In a 2017 interview involving Defendant and NOB member Michael Brandao, Defendant recognized that HSM was started by Mr. Andrade.

Mr. Andrade himself identified “HSM” as the “Head Shot Mafia.” In a publicly-released rap recording and music video, Mr. Andrade introduced the recording/video with: “Head Shot Mafia Gang, you already know the name n***a! Holla at your boy.” Along these lines, Mr. Andrade also included the following chorus:

We get big money
Straight cake
HSM n***a you know we don’t play
Head Shot Mafia we bang¹ all day

¹ “Bang” is a reference to gang-banging.

Bang
Bang-Bang
We bang all day

The gang-related use of “7981” by NOB members/associates includes the following:

1. Two other identified NOB members/associates have the numbers “7981” tattooed on them. One of these NOB members/associates was arrested with NOB member Michael Brandao, and is presently serving a state sentence for firearms crimes based on that arrest. The other NOB member/associate has the Instagram user name “_7981_nobcity.”
2. Michael Brandao used “7981” as a gang-related number in the publicly-released video “*They Don’t Know*” (a video in which Barros participated prominently) – in this video, Brandao repeatedly notes that they are the “NOB” gang, and references “HSM” and “7981” as being related to the gang.
3. In the rap recording “*Paranoid*,” NOB member Samuel Mathieu raps: “*Gang s**t man, 7981 sh*t, b***h, HSM, better keep your pistol, n***a.*” Mathieu has been in several NOB-related videos with Barros. Mathieu also rapped he was in “NOB” in one of the videos. As noted in the complaint and during these detention proceedings, there is probable cause to believe that Mathieu was trafficking drugs along with Barros and others.
4. NOB member Wilson Goncalves-Mendes has the Instagram user name “hothead7981.” As noted during these detention proceedings, Goncalves-Mendes is a close associate of Defendant involved in gang-related violence and drug trafficking.

Thus, Barros’ claim that his use of “7981” is “merely a young man paying respect to a person who loomed large in his life” (Therese Andrade) is simply not accurate. The number is openly and widely used by NOB members/associates.

III. Head Shot Mafia - HSM

Defendant seeks to minimize his gang ties by claiming that “HSM” does not mean “Head Shot Mafia,” but rather “Hustle Stack Money.” Defendant contends in his letter submitted to the Court that: “‘HSM’ is registered with an LLC by the state and the meaning on the documents are ‘Hustle Stack Money’ which is a non violent record label name which is used to make music,

and merchandise, and we have records and documents to provide this information.” *See* Exhibit J, p.3 (emphasis in original).

Barros admitted in a public interview that HSM was started by Mr. Andrade. Mr. Andrade expressly referred to HSM as the “Head Shot Mafia Gang” in one of his recordings. Similarly, Michael Brandao released the rap video entitled “*They Don’t Know*” in March 2018. This video includes several identified NOB members/associates, including Defendant Barros, Joshua Teixeira and Delven Carvalho-Centeio. Brandao repeatedly raps that they are “NOB.” The video also includes images of the street signs for Norton Street, Olney Street, and Barry Street – the streets used as the basis for “NOB.” As identified in the complaint affidavit in this case, in this video, Brandao raps about acts of violence committed by the gang, and there are reenactments of NOB-related violent crimes in the video. Defendant is present throughout the video. Brandao also references “HSM” in tandem with NOB as being gang-related. At the end of the video (at approximately the 3:35 mark), right after the reenactment of a shooting, an identified NOB gang member (while standing under the street sign for Barry Street) states that they are the “Head Shot Mafia Gang,” and flashes a common NOB gang sign.

In a recording released in 2019 by Michael Brandao, which also involves Defendant Barros, Brandao introduces the recording with the following: “*Free my f**king shottas[shooters]/N***as know how we rock/NOB s**t/34-side/Head Shot Mafia Gang/Gang gang gang gang.*” Similarly, on June 23, 2020, Christopher Mann (the manager of HSM) made a social media post in which he promoted the impending release of the “*RICO*” video (discussed above), and also posted: “#FREETHHEMAFIA” – a posting consistent with the Head Shot Mafia, not “Hustle Stack Money” as Barros claims in his letter.

As to the business entity “HSM,” NOB members Michael Brandao and Delven Carvalho-Centeio were arrested on May 12, 2020, and charged with various firearms-related offenses. Both Brandao and Carvalho-Centeio were ordered held at Nashua Street Jail as a result of these charges. On or about June 2, 2020, in a recorded jail call, Mann and Brandao argued over money associated with the HSM entity. Mann informed Brandao that he and Defendant Barros set up HSM as a “legal LLC” for the purposes of concealing illegal proceeds if individuals were subject to prosecution. The following is a draft transcript of the statement made by Mann concerning the concealing of illegal proceeds:

Yo bro, Fredo Fredo [Michael Brandao’s street name] - what I’m trying to tell you is ... the state ... we’re registered for the state ... under a LLC bro ... Is what I’m trying to tell you ... right... HSM is a legal LLC ... we’re a legal ... like that’s how you make the legal money. ***And go and show the courts that you make legal money*** ... because we pay for the HSM LLC ... right... me ... me and Kal [Kelvin Barros’ street name] - we went and paid for that it was like 2000, 3000 dollars. (emphasis added)

It is the belief of investigators that Mann is informing Brandao that Mann and Barros established the HSM business entity to provide a means of concealing illegal proceeds of NOB members/associates through the HSM entity. The HSM entity would allow NOB members/associates to claim that they had a “legal” source of income when posting bail and to prevent funds from being seized. In line with Mann’s statements concerning the legal façade of HSM to protect gang members/associates, Barros is now seeking to use the business entity to cover the gang-related aspects of HSM.

IV. New Bedford Shooting

In his Supplemental Proffer (at p. 5), Barros contends that the government’s argument that Barros was involved with NOB member Wilson Goncalves-Mendes in a New Bedford shooting (based on recovered communications in which Goncalves-Mendes related that he was

with “Kal” in New Bedford for “business” in the days leading up to the shooting) is “clearly refuted” because Barros was in Pennsylvania at the time of the shooting. This argument fails for a basic reason – Barros is looking at the wrong date. Barros contends that he was in Pennsylvania on November 21, 2018. *Id.* The shooting with the communications mentioning “Kal” occurred on or about July 15, 2018 (*See* Complaint Affidavit, Document No. 1-1, at ¶¶ 33-34) – four months earlier.

V. Barros’ Letter Submitted to the Court

Barros’ letter to this Court seeking to support his release includes numerous misrepresentation as to circumstances surrounding Barros’ involvement with NOB and his activities on behalf of NOB. A number of these misrepresentations have been discussed above. In addition to the above, Barros seeks to minimize the violent, gang-related aspects of the “*RICO*” video by making several claims regarding the alleged innocuous nature of various words/terms used in the video. Again, Barros is seeking to mislead the Court. The government will not go through all of the misrepresentations made by Barros in his letter to this Court as to terms/words in the “*RICO*” video. The following are examples of misrepresentations:

1. Barros contends that the word “blick” refers to his “bodyguard” rather than Barros carrying a gun. This contention is demonstrably false as “blick” is a common street name for a gun, and “blick” is used by Barros in recorded jail calls to reference a gun – not a bodyguard. In fact, on July 24, 2020, Barros was involved in a recorded jail call with several individuals including Christopher Mann and Delven Carvalho-Centeio. During the call, Barros stated: “*Feel me bro, listen to this right ... some n***a that was up here ... he got a crazy a** record right? They picked him up for a*

blick on bail from the feds, and got caught with another *blick* ... guess how much time they just gave him bro?” In recorded jail call from January 2017 involving Barros (who was incarcerated) and an associate, Barros stated: “*I know about the blick, that’s about it. I thought ya’ll n***as already handled that.*” Barros further stated: “*When it comes to them dudes ... you know those girls ... girls ... that’s nothing my n***a, when we get home, we take em’ out for a dance my nigga, we take em’ to the movies, we go watch a movie with them.*” Barros is using coded language (due to the fact the jail call is recorded by the facility) that he will aid his associate in committing a shooting against individuals threatening the associate – the coded nature of the language is clear as Barros first refers to “them dudes,” but then immediately changes to “those girls.” Moreover, Barros followed up with: “*I’m just letting you know ... if that’s one of your worries n***a, it’s alright, when I come home we’ll go on a double date ... take these b***hes out ... to the movies.*” Given the above communications by Barros, there can be no viable claim the “blick” means anything other than a gun.

2. Barros claims that the term “dope deals” does not mean heroin/fentanyl deals, but rather that “dope” (which is a common street term for heroin/fentanyl) means “good.” This contention is meritless. Barros references “dope deals” following the line “we started off making coke [cocaine] sales.” Moreover, in the video, when Barros uses the term “dope deals” (at the 0:44 mark in the video), Barros makes a gesture consistent with injecting himself in the arm – i.e., using heroin/fentanyl intravenously.

3. Finally, Barros claims that “G-Code” means “Guy Code.” Barros contends that he used “G Code” because: “I know a lot of people that would like to be with my girlfriend when Im [sic] not around and I hope they respect our relationship and stick to the guy code.” This is a baseless contention. As noted above, Barros only refers to the “G Code” after rapping: “*I’m worried about the feds, cuz they’re hittin’ us with the RICO.*” “G Code” is tied to his federal case, and, moreover, the video includes Barros making the hand gesture consistent with people staying quiet.

Barros’ misleading factual representations to the Court concerning the “*RICO*” video, and other topics, demonstrate his ongoing attempt to obstruct justice – an attempt facilitated by at least Christopher Mann.

CONCLUSION

Based on all of the circumstances, Barros should be detained.

Respectfully submitted,

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By: /s/ **Michael Crowley**
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CERTIFICATE OF SERVICE

I, Michael J. Crowley, Assistant United States Attorney, do hereby certify that this document, filed through ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and that paper copies will be sent to those indicated as non-registered participants on this date.

/s/ Michael J. Crowley

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